

Rec'd in TC  
3600 on 11-05-01

# 19  
(mcs)

Patent  
Attorney's Docket No. 003300-339

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Applications of )  
Tony PERVAN ) Group Art Unit: 3635  
Application No.: 90/005,744 ) Examiner: Y. Horton  
Filed: June 13, 2000 )  
and )  
Application No.: 09/343,696 )  
Filed: June 30, 1999 )  
For: METHOD FOR JOINING BUILDING )  
BOARD )

**RESPONSE TO NON-COMPLIANCE STATEMENT**  
**FILED BY THIRD PARTY REQUESTOR**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

The patent owner in the above-identified reissue and reexamination proceeding is in receipt of a Non-Compliance statement filed by the third party requestor on October 1, 2001. The statement alleges that the patent owner is not in compliance with 37 C.F.R. §1.550(e) for an alleged failure to serve documents listed on the Information Disclosure Statement filed on September 17, 2001. Contrary to the allegation, applicants believe they are in compliance with the service requirement of the reexamination proceedings and in accordance with 37 C.F.R. §1.248. Attached hereto is a copy of the Information Disclosure Statement submitted on September 17, 2001 to which is attached a service

10-3-0120

statement filed by the patent owner's representative. However, to be certain that all of the documents listed on the Form 1449 accompanying the September 17, 2001 Information Disclosure Statement have been provided, the patent owner has serviced upon the third party requestor a complete set of references from the September 17, 2001 submission. The September 17, 2001 Information Disclosure Statement and references accompany the service of this response.

Further, the Non-Compliance letter requests that the September 17, 2001 Information Disclosure Statement be refused consideration in accordance with the last sentence of 37 C.F.R. §1.550(e). The patent owner respectfully asserts that all submissions are in compliance with §1.550 in that no Official Action in the proceedings has been received. Therefore, as no time for filing has been established by the issuance of an Official Action, the patent owner cannot be in non-compliance with §1.550(e). Accordingly, the patent owner respectfully asserts that the allegation is unfounded and respectfully requests that the previously submitted Information Disclosure Statement be considered in the proceedings.

Should the Examiner have any questions, it is requested that the undersigned be contacted so that any such questions may be adequately addressed.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: William C. Rowland  
William C. Rowland  
Registration No. 30,888

P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620

Date: October 3, 2001

CERTIFICATION OF SERVICE

I, William C. Rowland, hereby certify that a true copy of the foregoing communication, was mailed, via first class mail, on September 26, 2001, to:

Thomas P. Pavelko, Esq.  
Stevens, Davis, Miller & Mosher, LLP  
1615 L Street, NW  
Washington, D.C. 20036  
Attorney for Third-Party Requestor

William C. Rowland  
William C. Rowland  
Registration No. 30,888

Date: October 3, 2001

RECEIVED  
TECHNOLOGY CENTER 3600  
01 NOV -5 PM 4:07

09/26/01 09:40